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09/675,177	09/29/2000	Gerald L. Thomas	99-1833	2898

7590

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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/675,177

Applicant(s)

GERALD THOMAS

Examiner

Matsuichiro Shimizu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) 2-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cho, Phil Rae (GB2198898) in view of McKee et al. (4,578,739).

Regarding claim 1, Cho teaches a receiver belt buckle device (Figs. 1-2, receiver belt buckle) comprising: a belt buckle member (Figs. 1-2, lines 24-27, page 4, buckle comprising of buckle portion 1 and receiver portion 2) having an upper elongate support portion (lines 2-4, page 5, portion containing dials 8-9) and a lower elongate support portion (lines 2-4, page 5, portion associated with bottom edge) being spaced apart and further having a housing portion integrally attached to said upper and lower elongate support portions and being disposed there between and being recessed (Figs.

1-2, belt buckle recessed to receive open ended belt 3) along a longitudinal back side of said elongate support portions thus forming a belt receiving slot between said upper and lower elongate support portions; pin-like support members (Figs. 1-2, terminals 6 and 6') being removably connected to said upper and lower support portions and extending there between; a catch member mounted about a first of said pin like support members (Fig. 2, one end of belt caught and pinned by two terminals); and a receiver means (Fig. 1, lines 24-27, page 4, receiver 2) for receiving radio signals. But Cho does not teach a pager belt buckle device; and a catch member hingedly mounted about a first of said pin like support members.

However, McKee teaches, in the art of receiver system, a pager carried by the user on a belt buckle (col. 3, lines 51-64, pager on the belt buckle) for selectively calling a person having a receiver. Furthermore, one of ordinary skill in the art recognizes pager on the buckle or in the buckling housing provide same function of being paged. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a pager belt buckle device in the device of Cho because McKee teaches a pager carried by the user on a belt buckle for selectively calling a person having a receiver and one of ordinary skill in the art recognizes a pager in the buckle housing is to reduce losing of pager device.

Likewise, Cho teaches a catch member associated with pin 11 (Fig. 1) coupled to open space (Fig. 2) wherein open end of belt slides through. Furthermore, one of ordinary skill in the art recognizes a catch member hingedly mounted about a first of said pin like support members and pin 11 (Fig. 1) coupled to open space (Fig. 2) wherein open end of belt slides through provide same fastening of belt. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to include a catch member hingedly mounted about a first of said pin like support members in the device of Cho because McKee teaches a catch member associated with pin 11 (Fig. 1) coupled to open space (Fig. 2) wherein open end of belt is fastened and one of ordinary skill in the art recognizes a catch member hingedly mounted about a first of said pin like support members as an alternative design feature.

***Allowable Subject Matter***

1. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, the prior arts fail to teach or fairly suggest a pager belt buckle device, wherein each of said upper and lower elongate support portions has a

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first end portion which extends beyond said housing portion, each of said first end portions having a hole disposed therein and being in alignment with one another and also being adapted to receive ends of a second of said pin-like support members.

Claims 3-9 are directly/ or indirectly dependent on claim 2, therefore, the prior arts fail to teach or fairly suggest claims 3-9 for same reason that the prior arts fail to teach or fairly suggest claim 2.

Regarding claim 10, the prior arts fail to teach or fairly suggest a pager belt buckle device comprising: a belt buckle member having an upper elongate support portion and a lower elongate support portion being spaced apart and further having a housing portion integrally attached to said upper and lower elongate support portions and being disposed there between and being recessed along a longitudinal back side of said elongate support portions thus forming a belt receiving slot between said upper and lower elongate support portions, each of said upper and lower elongate support portions having a first end portion which extends beyond said housing portion, said housing portion including a battery compartment disposed therein, a battery compartment opening disposed in a back wall of said housing portion, and a cover' removably disposed over said battery compartment opening, said longitudinal back sides of said elongate support portions being generally bowed inwardly, said

housing portion having a length substantially greater than its thickness; pin-like support members being removably connected to said upper and lower support portions and extending there between, each of said pin-like support members including a tubular member having an open end and a bore extending therein through said open end, and also including a spring being disposed in said bore of said tubular member, and further including a shaft movably disposed in said bore and being biasedly extended from said open end of said tubular member, each of said first end portions having a hole disposed therein and being in alignment with one another and also being adapted to receive ends of a second of said pin-like support members, each of said upper and lower elongate support portions also having a second end portion which has a hole disposed therein and being in alignment with one another and also being adapted to receive ends of said first pin-like support member; a catch member hingedly mounted about a first of said pin like support members said catch member being essentially a lever having an end portion and a bore extending through said end portion, said bore of said lever being adapted to receive said first pin-like support member, said lever being adapted to pivotally and securely engage a portion of a belt between itself and said back wall of said housing portion; and a pager means for receiving radio signals including a readout display screen disposed in a top of said

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upper elongate support member, a plurality of depressible function-performing members also being disposed in said top of said upper elongate support member, a signal receiving member being securely disposed in said housing portion, and batteries being removably disposed in said battery compartment for energizing said signal receiving member.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu

February 24, 2003



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